

REMARKS

Reconsideration and allowance of the claims pending in the application are requested pursuant to an Interview conducted with the Examiner, as discussed below.

Applicants' attorney thanks Primary Examiner Alpus Hsu and Examiner Steven Blount for the courtesy of a personal Interview conducted February 23, 2006. The interview discussed claims 1, 5 and 8 in regard to the cited art, i.e. Traversat, Bannerjee and Nguyen. The cited art was discussed in a proposed Amendment Under 37 CFR 1.116 considered by the Examiners. The Examiners stated the proposed amendment overcomes the art of record. The Examiners' agreed to withdraw the Final Office Action upon request for reconsideration and issue a Non-Final Office Action. Applicants' attorney will file the proposed Amendment under 37 CFR 1.116 as a request for reconsideration.

Applicants' Attorney requests the Non-Final Office Action be issued to permit a timely response to be filed by Applicants, prior to the expiration of the 6 month statutory period for the application.

Claims 1- 62 are pending in the application.

Claims 6-7 and 62 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 6, 8-11, 13, 15, 16, 18-22, 24-27, 29-30 and 48-62 have been rejected under 35 USC 103 (a) as being unpatentable over USP Application Publication 20020188657 to Traversat, published December 12, 2002, filed January 22, 2002 (hereafter, "Traversat"), in view of USP Application Publication 20030061364 to Banerjee et al., published March 27, 2003, filed September 26, 2001(hereafter, Bannerjee) and USP Application Publication 20040002385 to Nguyen, published January 1, 2004, filed June 28, 2002 (hereafter, "Nguyen").

Claims 5, 12, 17, 23, 28 and 31 have been rejected under 35 USC 103 (a) as being unpatentable over USP Application Publication 2002188657 to Traversat in view of USP 20030061364 to Banerjee et al. and USP 20040002385 to Nguyen as applied to claims 1-4, 6, 8-11, 13, 15, 16, 18-22, 24-27, and 29-30, and further in view of USP 6,757,713 to Ogilvie et al.

Claims 7, 14, and 32-47 have been rejected under 35 USC 103(a) as being unpatentable over USP Application Publication 20020188657 to Traversat, in view of USP Application Publication 200330061634 to Banerjee et al. and USP Application Publication 200400022385 to Nguyen as applied above to claims 1-4, 6, 8-11, 13, 15, 16, 18-22, 24-27, and 29-30.

Claims 6 and 62 have been amended. No new matter has been entered. Applicants have responded to each rejection and distinguished claims 1-62 from the cited art.

Now turning to the rejection, applicants responds to the indicated paragraphs of the subject Office Action, as follows:

Regarding Paragraph 1-2:

Claims 6 and 62 have been amended to overcome any indefiniteness.

Applicants can find no indefiniteness in claim 7.

The amendment of claims 6 and 62 overcomes the rejection under 35 USC 112/2.

Withdrawal of the rejection of claims under 35 USC 112/2 is requested.

Paragraph 3-4:

Claims 1-4, 6, 8-11, 13, 15, 16, 18-22, 24-27, 29-30 and 48-62 include limitations not disclosed, suggested or taught in Traversat in view of Banerjee and Nguyen, alone or in combinations, and overcome the rejection under 35 USC 103 (a), as follows:

A. Claim 1:

- (i) “a processor ... for controlling access to an application in the device”

Traversat, Bannerjee and Nguyen describe a server responding without restriction to user resource requests. The cited art does not control access to an application. Applicants’ device controls access to resources as described in applicants’ specification at paragraph 10.

- (ii) “a processor disposed to ... choose a selected application from a list of application programs in the distributed applications directory;”

Traversat, at paragraph 73, discloses a peer platform provides mechanisms which enable peers to discover each other; communicate with each other and cooperate with each other to form groups. Paragraph 95 discloses a peer platform device responds to a peer request and enables the peer to find content that is closest to them. Traversat does not disclose a peer choosing a selected

application for peer requester, as described in applicants' specification at paragraph 52. There is no disclosure in Traversat at paragraphs 88 and 96 relating to a server choosing an application in response to a user resource request. Traversat chooses an application in response to a peer request. A user chooses the application. Traversat provides the application requested by the user or directs the user to the closest peer having the requested application.

(iii) "a processor disposed to... examine at least one control parameter associated with the selected application."

Traversat, at paragraph 86 and 89, describes services available from the peer platform layers. There is no disclosure of control parameters for such service. Paragraphs 75/76 describe a UUID shown in Figure 3. Paragraph 33 indicates a UUID is not assigned to all resources whereas Paragraph 23 of the subject application indicates a control parameter is assigned to each resource. A UUID is an identifier, not a control parameter. The identifier describes a single resource. In contrast, applicants' control parameter describes a plurality of control scenarios whereas Traversat only identifies a single resource. Traversat fails to disclose features (i), (ii) and (iii) described above.

Bannerjee, in paragraph 36, does not supply the missing feature of choosing a selected application from a list of applications. Paragraph 36 discloses an initiating device (client device) can request information about any pertinent application profiles from the service discovery server (step 350). Bannerjee discloses the user, not the server chooses the application. In contrast, applicants at paragraph 56 disclose the source device selects the application for launching in response to peer device inquiry.

Nguyen in Paragraph 110, does not supply the claimed features missing in Traversat. While Nguyen discloses a distributed directory, there is no disclosure in Nguyen relating to controlling access to an application; choosing a selected application; control parameters or examining a control parameter associated with selected application.

The rejection of claim 1 under 35 USC 103 (a) is without support in the cited art. Withdrawal of the rejection and allowance of claim 1 are requested.

B. Claims 2/3:

Traversat, at paragraph 89, discloses applications in an application layer and services in a service layer. There is no disclosure in Paragraph 89 relating to a control parameter describing

behavior of a selected application. Nor do Paragraphs 88 and 96 disclose or suggest specific control parameters for controlling the behavior of a selected application.

C. Claim 4:

Traversat, at paragraphs 87 and 88, describes launching application, but fails to disclose launching and connecting a selected application to a matching application, as described in applicants' specification at Paragraph 10.

D. Claim 6:

Traversat, at paragraph 88, discloses community applications but fails to disclose retrieving an entry from a distributed application directory, wherein the entry associates a selected application with a nearby device, as described in paragraphs 0051 and 0052 of applicants' specification.

F. Claims 8-11 and 13:

Traversat fails to disclose the features of method claims 8-11 and 13 for the same reasons indicated in connection with the consideration of system claims 1-4 and 6.

G. Claims 15-16 and 18:

Claims 15 and 18 are the product program product form of claims 1 and 6 and describe subject matter not disclosed in Traversat for the reasons indicated in connection with the consideration of claims 1 and 6.

Claim 16 describes connecting a selected application and a matching application when a matching application is resident on a nearby wireless device. Applicants can find no disclosure, nor has the Examiner indicated any disclosure in Traversat, Bannerjee and Nguyen relating to connecting a selected application and a matching application.

H. Claims 19-22:

Claim 19 corresponds to and further limits claim 1 in regard to establishing a connection between an application program in a mobile device with a matching application program in a nearby device. Traversat fails to disclose a processor examining a control parameter in a matching application of a nearby device for purposes of connecting the matching application to an application in the device.

I. Claim 24-27:

Claim 24 corresponds to claim 19 and describes subject matter not disclosed in Traversat for the reasons indicated in connection with the consideration of claim 19.

Claims 25 and 26 corresponds to claims 2 and 3 and describe subject matter not disclosed in Traversat for the reasons indicated in connection with the consideration of claims 2 and 3.

Claim 27 describes subject matter in claim 4 and not disclosed or suggested in Traversat for the reasons indicated in connection with the consideration of claim 4.

J. Claim 29-30:

Nguyen discloses a distributed directory listing applications available in a gaming network; but, applicants have not found nor has the Examiner indicated any disclosure in Traversat or Nguyen relating to examining a control parameter associated with a matching application in a nearby program for controlling access to a selected application in a wireless device.

K. Claims 48 – 62:

i) Claim 48 further limits claim 1 and describes a wireless device selecting a preferred application. The cited art describes a peer or master device responding to a user selected application. The cited art does not disclose a peer or master device selecting a preferred application.

ii) Claim 49 further limits claim 8 and is patentable on the same basis as claim 8. Traversat in view of Bannerjee, Nguyen and Moore do not disclose a wireless device examining a control parameter for controlling access to a selected application.

iii) Claim 50 further limits 8 by describing control parameters based on associated control parameters of a wireless device and a nearby device. The identifiers in Traversat describe a single resource, and not parameters describing categories of control as described in applicants' specification at Paragraph 27.

iv) Claim 51 further limits claim 50 by defining control parameters in categories. The Examiner has not cited any prior art, nor has applicants discovered any disclosure in the cited art relating to control parameters or control parameters in specific categories.

(v) Claims 53- 61 describe launching a selected application to enable a wireless device and a nearby wireless device to communicate, via an application selected by the wireless device. The cited art does not disclose or suggest or teach a wireless device finding and communicating with a counterpart application in a nearby device, via an application selected by the wireless device.

(vi) Claim 62 describes connecting together an application runnable in a wireless device and a nearby wireless devices for communication purposes, via the runnable application. Claim 62 has been rejected on the same basis as claim 1. The Examiner has not identified any disclosure, suggestion or teaching in Traversat, Bannerjee, Nguyen relating to connecting together two nearby devices having the same runnable application for communication purposes via the runnable application.

Summarizing, claims 1-4, 6, 8-11, 13, 15, 16, 18-22, 24-27, 29-30 and 48 -62 include subject matter not disclosed, suggested or taught in Traversat in view of Bannerjee, Nguyen, and Moore taken alone or in combination, as indicated above in connection with the consideration of the rejected claims. Withdrawal of the rejection under 35 USC 103 (a) and allowance thereof are requested.

Paragraph 5:

Claims 5, 12, 17, 23, 28 and 31 include subject matter not disclosed in Traversat in view of Bannerjee and Nguyen and in further view of Ogilvie, all of record, as follows:

(i) “when a user closes the selected application, the processor is further configured to: erase the selected application, if specified by the associated control parameters.”

A. Bannerjee, at paragraph 0058, discloses if a session is terminated, a Bluetooth network access provider (BNAP) finalizes the usage fees for the user. The BNAP service then generates a billing transaction for the user in response to the charges that have been incurred for the recent session. Bannerjee further discloses that the delivery of the service is continued, if the user selects not to terminate the service. In contrast, applicants disclose a processor is configured to erase a selected application when the user closes the selected application, provided the control parameters so indicate, as described in applicants’ specification at Paragraph 54.

B. Nguyen does not address the subject matter of erasing application.

C. Ogilvie at column 5, line 57 continuing to column 7, line 3, describes a self removal indicator in a given email message. The indicator permits an originator to automatically delete a message from each recipient's mailbox/inbox shortly after being opened by the recipient. Ogilvie fails to disclose or suggest an application, including control numbers, associated with an application enabling a processor to erase the application, as described in the specification at Paragraphs 36 and 54.

Accordingly, Bannerjee, Nguyen and Ogilvie do not supply the missing feature in Traversat relating to the claimed feature of a processor erasing a selected application if specified by the associated control parameters for the selected application.

Claims 5, 12, 17, 23, 28 and 3 all recite the same erase feature, which is not found in the cited art. In any case, the rejected claims depend upon independent claims describing control parameters, selected application and other subject matter not disclosed or suggested in the cited references. Withdrawal of the rejection of claims 5, 12, 17, 23, 28, and 31 under 35 USC 103(a) and allowance thereof are requested.

Regarding Paragraph 6:

Claims 7, 14 and 32-47 include features not disclosed or suggested in Traversat in view of Bannerjee and Nguyen and Moore, all of record, as follows:

A. Claims 7 and 14:

(i) "the choice of the selected application is based on a priority assigned to the entry, wherein the priority is calculated from a local application priority and the corresponding application priority to the peer device."

Moore, at paragraph 37, discloses a kiosk can provide to the device a list of available services. The list can be computed based on any number of factors. For example, all available services for a limited selection based on prior authorization, perceived value or advertising rather than historical transaction statistics device a network resources, or a pre configuration. Claims 7 and 14 describe calculating the priority based on a local application and priority of the corresponding application in a peer device. Moore fails to disclose or suggest calculating a priority for an application, as described in paragraph 0032 of applicants'

specification. The rejection of claims 7 and 14 under 35 USC 103(a) is without support in the cited art. Withdrawal of the rejections and allowance of claims 7 and 14 are requested.

B. Claim 52:

Claim 52 depends from claim 32 and is patentable over the cited art on the same basis as claim 32.

C. Claims 32:

Traversat, in view of Bannerjee an Nguyen and Moore, fails to disclose features of claims 32, as follows:

(i) “maintain a local information database including a distributed application directory, the directory listing all applications resident in each device in an ad-hoc network in the distributed application directory in each of said at least one device,”

Traversat discloses a service layer 140. Bannerjee discloses a wireless PAN network access provider enabling communication sessions between remote PANs or with a global network and monitoring such sessions. Nguyen discloses a distributed directory. Moore discloses restoring applications and operating programs. In contrast, applicants disclose a local database including a prioritized application with a control parameter. None of the cited references supply the missing element in Traversat related to a database containing information of local applications and their requirements, including control parameters, or combinations of control parameters, as well as priority information, indicating importance of the application set by the user, as described in application at paragraph 0027.

(ii) “the local information database associating at least one prioritized application program with at least one control parameter;”

Traversat, Bannerjee, Nguyen and Moore all fail to disclose control parameters for the reasons discussed in connection with the consideration of claims 1, 8, 10, 16, 19, 24 and 29.

(iii) “said at least one prioritized application program including the preferred application program;”

Applicant, at Paragraph 58, describes identifying a preferred application from among prioritized applications for access by an inquiring device. Applicants can find no disclosure nor has the Examiner indicated any disclosure in the cited art relating to selecting a preferred application from among the priority applications for access by an inquiring device.

Summarizing, Applicants can find no disclosure, suggestion or teaching in Traversat in view of Bannerjee, and Nguyen and Moore relating to items (i), (ii) and (iii). Without such disclosure, suggestion or teaching claim 32 is patentable over 35 USC 103.

Claims 33- 38 depend from claim 32, directly or indirectly, and provide further features relating to the preferred application program; control parameters associated with preferred application programs, and preference information. Claims 32 – 38 are patentable over the cited art for the same reasons indicated in connection with the consideration of claim 32.

D. Claim 39:

Claim 39 describes the subject matter of claim 32 in method format and is patentable over Traversat in view of Bannerjee, and Nguyen and Moore for the same reasons indicated in connection with the consideration of claim 32.

E. Claims 40-45:

Claims 40-45 correspond to claims 32-38 and are patentable over the cited art for the same reasons indicated in connection with the consideration of claims 33 -38.

F. Claim 46:

Claim 46 describe the subject matter of claim 32 in program product format and is patentable over Traversat in view of Bannerjee and Nguyen and Moore for the same reasons indicated in connection with the consideration of claim 32.

G. Claim 47:

Claim 47 is another embodiment of claim 32 and is patentable over the cited references for the same reasons indicated in connection with the consideration of claim 32.

CONCLUSION

The cited art discloses peer-to-peer, PAN and gaming networks providing unrestricted access to or exchanging of applications among devices connected to the network. In contrast, applicants have identified features e.g. control parameters, selected application, preferred application and others in Claims 1- 62 enabling a wireless device connected in an ad-hoc network to control access to applications in the wireless device by other wireless devices in the ad-hoc network. There is no support in the cited art for the rejection of claims 1- 62 under 35 USC 103 (a).

Further, the rejection does not satisfy the patentability requirements of the Graham Factual Inquiries as expressed in MPEP 2142. A worker skilled in the art would have no motivation to modify the primary reference (Traverstat) by the secondary references (Bannerjee, Nguyen, Ogilvie and Moore, to restrict and limit access to application in a wireless device coupled to an ad-hoc network. Such restriction would be contrary to the objectives of the cited references. Without motivation there would be no expectation of success. Finally, the cited references do not show or suggest the claimed features relating to selecting an application with a control parameter which describe alternative categories of control and examining the control parameter associated with an application. the rejections and the cited art fail to satisfy the patentability guidelines of MPEP 2142.

The rejection of claims 1-62 under 35 USC 103 (a) is without support in the cited art. Further, the rejection does not satisfy the patentability guidelines under MPEP 2142. The application is in condition for allowance Entry of the amendment, allowance of the claims and passage to issue of the case are requested. Or, entry of the amendment for purposes of appeal is requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4149. A DUPLICATE OF THIS SHEET IS ATTACHED.


In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4149. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

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Dated: February 24, 2006

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